

FILED
at Santa Fe, N.M.

NOV 21 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

MATTHEW J. DYKMAN
CLERK

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Rio Nutrias, Section 3

Subfile No.: CHNU-002-0002

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico
and Defendant(s):

LUCIA A. MONTOYA
ROBERT J. MONTOYA

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Nutrias, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Nutrias, Section 3, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 015, 02752, 0313

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface Water of the Rio Nutrias, a tributary of the Chama River.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: Esquibel

Location: X= 1,573,634 feet Y= 2,037,817 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 02, Township 27N, Range 04E, N.M.P.M.

Pt. SE $\frac{1}{4}$ and Pt. of Lot 2 0.9 acres

Total 0.9 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHNU-002-0002

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water: Surface Water of the Rio Nutrias, a tributary of the Chama River.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: Esquibel

Location: X= 1,573,634 feet Y= 2,037,817 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Section 02, Township 27N, Range 04E, N.M.P.M.

Pt. SE $\frac{1}{4}$ and Pt. of Lot 2 0.6 acres

Total 0.6 acres

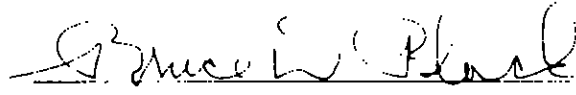
As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHNU-002-0002

Amount of Water: NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Nutrias, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Nutrias, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Nutrias, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Nutrias, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.


UNITED STATES DISTRICT JUDGE

Recommended for approval:


SPECIAL MASTER

SIGNATURE 
LUCIA A. MONTOKA

* ADDRESS: PO Box 244
Tierra Amarilla
NM 87575

DATE: 8-21-06

SIGNATURE 
ROBERT J. MONTOKA

ADDRESS: PO Box 244
Tierra Amarilla
New Mexico 87575

DATE: Aug. 21, 2006


EDWARD G. NEWVILLE
Special Assistant Attorney General

8-21-06
Date

**South Boundary of
the Tierra Amarilla Grant**

Esquibel Ditch

**002-0002
A 0.9 ac.**

Rio Nutrias

**002-0002
B 0.6 ac.**

NR

Legend

- Irrigated Tract Boundary
- - - No Right Tract Boundary
- Operable Ditch
- - - Inoperable Ditch
- Stock Pond / Reservoir
- Point of Diversion

(F) Fallow

Scale 1" = 300'

100 50 0 100 200 300
Feet

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E., State Engineer

**Rio Chama Hydrographic Survey
RIO NUTRIAS SECTION**

Subfile CHNU-002-0002
Esquibel Ditch
AMENDED June 6, 2006

